Unclaimed Property Division Reporting Unclaimed Property May 14, 2012



Controller John Chiang

California State Controller's Office

WELCOME!

- Thank you for signing in!
- Housekeeping
- Your Holder Information Packet
- Please Complete the Survey
- Outreach and Compliance Unit Team <u>here to serve you</u>
 - Ted Rozalski, Today's Presenter

WELCOME!

Format

- High Level Introduction to Concept
- Detailed Information Presentation
- Questions/Answers (throughout and at the end)

WELCOME!

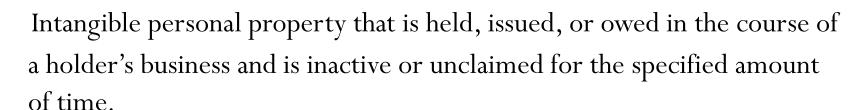
- Goals for Today
 - Determine if you're holding unclaimed property
 - Performing Due Diligence
 - Holder Notice and Holder Remit Reports (California's two-report process)
 - Interest/Penalties
 - Common Holder Errors
 - Frequently Asked Questions

Unclaimed Property in CA

History

The Unclaimed Property Program started in 1959 as part of a nationwide system to provide customer protection. The program exists to relieve businesses and financial institutions (holders) of the burden and liability of maintaining the property. In California, the State Controller's Office manages this program.

Definition

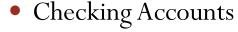


Unclaimed Property in CA

Examples of Unclaimed Property

- Commissions
- Ordered Refunds
- Wages
- Cashier's Checks
- Demand Deposits (Checking)
- Dividends, Interest
- IRAs
- Keogh Plans
- Matured Time Deposits
- Safe-Deposit Boxes
- Savings Accounts





- Stocks and Bonds
- Written Instruments
- Money Orders
- Traveler's Checks
- Liquidating Distributions
- Overpayments
- Pre-Payments
- Other property belonging to someone other than the business holding it



Unclaimed Property Division - Mission

- To reunite lost and abandoned property with its' rightful owner
- To <u>safeguard</u> these properties from being used by private interests for personal gain
- Provide a central source for owners to locate and claim property
- Relieve the holders from the expense and liability associated with the property
- Ensure that any economic windfalls benefit the citizens of CA

Fast Facts

• All States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and three Canadian Provinces (Quebec, British Columbia and Alberta) have Unclaimed Property Programs.

California Statistics for Fiscal Year 2010/11:

- \$6.1 billion UCP available to be claimed
- **45,486** UCP reports submitted annually
- \$633 million Cash properties received (plus over \$3 million in shares)
- **276,051** Number of claims paid
- \$246 million Amount of money disbursed for claims (average amount paid per property \$891)

California's Reporting Process Overview

1. Annually Review
Files for Unclaimed
Property

2. Perform Holder **Due Diligence**

3. Submit Holder Notice Report

4. Respond to Owner Claims
SCO Notices
(receive 14F form)

Send Holder Remit
 Report & Remittance

Holder Action: Where to Report

- State of owner's last known address
- State of holder's incorporation or domicile if address not known
- State where transaction occurred



Are You Holding Unclaimed Property?

- Holders are required to review their records annually
- If property has been dormant for a specified length of time, it must be reported to the State (Civil Code of Procedure 1513-1521)



- Identify <u>Property Type</u> and <u>Dormancy Period</u>
 - Decide if property has been dormant long enough to report
- Determine <u>Date of Last Contact</u>
 - Determines when to complete Due Diligence and report

Holder Action: Identify Property Type

- Payroll Wages or Salary (1 year dormancy)
- Accounts Payable Checks vendor payments (3 year dormancy)
- Accounts Receivable Checks customer credit refunds, overpayments (3 year dormancy)
- Checking / Savings (3 year dormancy)
- Safe Deposit Boxes / Safekeeping Repositories (3 year dormancy)
- Refund Checks (3 year dormancy)
- Escrow Accounts (3 year dormancy)
- **IRAs** (3 year dormancy)
- Stocks / Bonds / Dividends / Mutual Funds (3 year dormancy)
- Money Orders (7 year dormancy) / Traveler's Checks (15 year dormancy)

Holder Action: Determine Date of Last Contact

- The date that the property became payable or distributable to the owner (for example, the issue date of a check)
- The date on which the last deposit or withdrawal occurred, or the date the mail was returned
- This date determines when Due Diligence is performed and when the property is reported

Holder Action: Determine "As Of" Date

• This is the date that defines the end of a period of time in which property is reportable

- Determines which properties will be reported in your Notice Report
- Must be your fiscal year end date or the State's fiscal year end date (June 30th)
- Must be included on the Universal Holder Face Sheet (UFS-1)
- This date must be used consistently to avoid problems with interest/penalties

3 Year Dormancy - 2012 Cycle

Fiscal Year End (As of Date)	Last Transaction Date	Due Diligence Must be Performed	Holder Notice Report Due Before	Holder Remit Report & Remittance Due
6/30/2012	7/1/08 to 6/30/09	10/31/11 – 4/30/12	11/1/2012	6/1/13 – 6/15/13
12/31/2011	1/1/08 to 12/31/08	10/31/11 – 4/30/12	11/1/2012	6/1/13 – 6/15/13
Life Insurance Companies 12/31/11	1/1/08 to 12/31/08	04/30/11-10/31/11	5/1/2012	12/1/2012-12/15/2012

Holder Action: Perform Due Diligence

- <u>Due Diligence</u> is the process of attempting to locate the owner(s) of dormant property valued at \$50 or more <u>before</u> escheating property to the State
- Due Diligence is mandated by CA state law (CCP 1513.5, 1514, 1516, and 1520)
- <u>Holders are responsible for notifying property owners</u> 6-12 months before the deadline for reporting the property to the State
- Reasonable efforts must be made to locate the owners and send a notice (1st class or Certified mail) to their last known address
- <u>If contact is made</u> with the property owner, the property is no longer dormant/unclaimed

Holder Action: Perform Due Diligence

- Mail the Due Diligence Letter
 - <u>Centered Heading</u> that reads: "THE STATE OF CALIFORNIA REQUIRES USTO NOTIFY YOU THAT YOUR UNCLAIMED PROPERTY MAY BE TRANSFERRED TO THE STATE IF YOU DO NOT CONTACT US"
 - Notice must <u>clearly state that the property will escheat</u> to the State if a timely response to the notification is not received
 - <u>Notice must be sent if the Holder has in its records an address</u> for the apparent property owner, which the Holder's records do not disclose to be inaccurate
 - <u>Notice can be sent electronically</u> with the property owner's consent or mailed to the property owner's last known address



- <u>Notice must include a form</u> for the owner to indicate an interest in the property (except for Safe Deposit Box Property)
- A holder may impose up to a \$2 service charge for the administrative costs associated with sending the letter

XYZ Company 1234 MAIN STREET • SACRAMENTO, CALIFORNIA 99999

"THE STATE OF CALIFORNIA REQUIRES US TO NOTIFY YOU THAT YOUR UNCLAIMED PROPERTY MAY BE TRANSFERRED TO THE STATE IF YOU DO NOT CONTACT US."

January 1, 2010
Owner Name Account Number: 123 Address City State Zip
Dear Mr. or Mrs
California Unclaimed Property Law requires XYZ Company to transfer funds from deposit, account, shares, or other interest to the State Controller's Office (SCO) if the account has been inactive for three years. According to our records, there has been no customer activity on your account for more than two years. Therefore, your property is in danger of escheating to the state unless you contact us or respond by completing, signing, and returning this notice to:
XYZ Company 1234 Main Street Sacramento, CA 99999
Email Address:jsmith@xyzcompany.com TEL. (800)123-4567 FAX (800) 123-0111
If your account is transferred to the SCO, you will be required to submit a claim to the SCO in accordance with the provisions of the California Code of Civil Procedure in order to recover it.
Please check the appropriate box, sign in the space provided below, and return to us as soon as possible to avoid having your account escheated to the SCO.
I wish to maintain this account; by signing and returning this notice, I am satisfying the requirements of the Code of Civil Procedure by indicating an interest in the account and my desire that XYZ Bank maintain this account on my behalf. Please update my address(es) as follows:
I wish to close the account. Please send a check for the closeout amount.
(Signature) (Date)
We appreciate your assistance in this matter. Please contact our office if you have any questions or if v can be of assistance to you in any way.
Sincerely,
John Smith Accounting Department XYZ Company

California's Two-Report Process

 Holder Notice Report — Do Not Remit Property (\$)

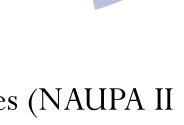
• **Holder Remit Report** — Remit Property (\$)

California's Two-Report Process

- Holder Notice Report Do Not Remit Property (\$)
 - First report in the two-report process
 - Due Annually
 - Submitted after Holder Due Diligence is performed
 - Due before November 1
 - Must be in correct format (Standard NAUPA II)
 - Includes a complete Listing of all properties that are still unclaimed

Two options for submitting the Holder Notice Report:

1. <u>Paper Report</u> – 9 properties or less (UDS-1)



2. <u>Electronic Report</u> - 10 or more properties (NAUPA II Format required)

- What is NAUPA?
 - <u>National Association of Unclaimed Property Administrators</u>
 - Non-profit organization which promotes professionalism and excellence in the Unclaimed Property and Compliance industry
 - Designed the "Standard NAUPA II" format, the national standard for reporting unclaimed property to all states
 - This format expedites processing and ensures information accuracy

Free electronic software is available on NAUPA

Website: https://www.unclaimed.org/reporting/

Your Holder Notice Report consists of:

- UFS-1 Form (referred to as the "Face Sheet")
 a. The Report "As of" Date
- 2. CD/Disk in Standard NAUPA II Format



Cationnia State Controller's Office UNIVERSAL HOLDER FACE SHEET (must be completed and attached with all reports) UFS-1(Rev. 04/09) Mail to: California State Controller's Office, John Chiang, State Controller, Unclaimed Property Division, P.O. Box 942850, Sacramento, CA 94250								
Notice Report □ Due Before November 1 or □ Life Insurance Due Before May 1 Or Remit Report □ Due Between June 1 and June 15 or □ Life Insurance Due Between December 1 and December 15								
Section A—Holder Information								
FEIN Brand	th Number	Report As	of Date	Check Number / EFT Debit	Ref Num	ber (Remit Report Only)		
Section B—Report Completion	Holder Name							
P.O. Box Number City		State		Zip Code Co		country		
Contact Name (For report completion)		Title		Phone Number	E	xtension		
E-mail Address (Optional)								
Section C-Property Owner Co	ntact		Holder Name					
Street Address								
P.O. Box Number City		State		Zip Code	Lo			
Contact Name		Tite		Phone Number		ension		
		THE		THORE INC.				
E-mail Address (Optional)								
Section D-Holder Agent Conta	act (If Applicable)		Ager ame					
Street Address								
P.O. Box Number		State		Zip Code Co		ountry		
Contact the prorreport com		Title		Phone Number Ex		extension		
E-Microsoft-S (A. Jah)								
E-mar-								
Section E—Prior Holder Name	rr you are the successor to ar	previous no	naer of property, or I	r you have changed your na	me, pleas	e list such prior name		
Name								
Section F—Holder Report Totals Total Reported/Remitted Dollars			Total Reported Remitted Shares Includes Safe Deposit Box ☐ Yes ☐ No					
Any Remittance of \$20,000.00 or more must be paid by Electronic Funds Transfer (EFT), pursuant to CCP Section 1532								
Section G - Holder Business In	formation							
Organization Type: Incorporation State:			NAICS Code: Charter Federal □ or State □					
Incorporation Date: 7 7 Charter Date:								
Section H— Demutualization Proceeds This report includes proceeds from the demutualization of an insurance company for the category checked below.								
Date of Demutualization Abandoned Immediately □ Distribution not sent, because holder did not have a valid address (CCP Section 1515.5 (a)). Abandoned Immediately □ Distribution sent but returned by the post office as undeliverable (CCP Section 1515.5 (b)). Abandonded after two years □ Distribution sent and not returned by the post office (CCP Section 1515.5 (c)). Abandonded after three years								
Section I: Verification								
Section I- Verification if made by an individual, shall be verified by the individual; if made by a partnership, by a partner; if made by an unincorporated association or private corporation, by an officer; if made by a public corporation, by its drief fiscal officer or other employee authorized by the holder (COP Section 1530(e)).								
The undersigned,								
Signature			Title			Date		

THE SUPPLEMENTAL REPORT

- If the Holder identifies additional property owner accounts that were not included on the original Holder Notice Report, they must be reported on a separate "Supplemental Holder Notice Report"
- May affect your Remit Due Date

After the Holder Notice Report is Received

Receipt of the Holder Notice Report and SCO DUE DILIGENCE

- Once the Holder Notice Report is received, SCO will send the Holder a Confirmation of Receipt the 14F (Remit Report Reminder Letter)
 - Note: The 14F Form must be signed and returned later with the Holder Remit Report to expedite report processing.
 - Within 165 days of receiving the Holder Notice Report, the SCO will send out another Due Diligence letter to all property owners listed on the report with properties valued at \$50 or greater, and for all stocks and safe deposit box properties
 - This letter instructs the property owner to <u>contact the Holder</u> to reclaim their property before it escheats to the State

IOHN CHIANG California State Controller UNCLAIMED PROPERTY DIVISION

UPD Contact Name Holder Name

Holder Address Holder Address

Report Received Date

Reported Amount \$ Amount # of Shares

of Safekeeping Repositories

Remit Report Due Date

10/30/2008

123456

.0000

6/1/2009-6/15/2009

The State Controller's Office (SCO), Unclaimed Property Division, has received your Holder Notice Report. This reminder letter is to inform you that your Holder Remit Report, along with the delivery or remittance of all remaining unclaimed property, is due to the SCO on the date specified above. If the Remit Report and remittance are not received by the SCO during the specified timeframe, holders will be subject to interest assessment at a rate of 12% per annum (California Code of Civil Procedure Section 1577). Holders of Safe Deposit Boxes or Safekeeping Repositories are to maintain the reported contents until contacted by the SCO. If the property has been returned to the owner, submission of a UFS-1 form (Rev. 04/09) is still required by the SCO.

Holder Remit Report Requirements/Guidelines:

- Accounts Included on the Holder Notice Report that Are No Longer Unclaimed Holders must refund or reactivate owner properties when the property owner contacts them prior to the date required to remit the property to the SCO. For owner accounts that were reported on the Holder Notice Report that are no longer unclaimed because of owner contact prior to the due date of the Holder Remit Report, the holder shall follow the reporting instructions for the specific format in which they are reporting. If reporting in the Standard NAUPA II or Paper formats, the holder may either exclude the owner accounts from the report entirely, or may include the owner accounts on the report with the appropriate Paid or Deletion Code. For all other formats, the holder will exclude the owner accounts from the report. Please note that the holder will be signing an affirmation on the UFS-1 form (Rev. 04/09) verifying that all accounts reported on the Holder Notice Report that are not included on the Holder Remit Report are omitted because the property is no longer considered unclaimed due to owner contact or return of the property to the owner. Reporting formats/forms can be found on our web site at www.sco.ca.gov.
- New Accounts not Included on the Holder Notice Report Do not include accounts on the Remit Report that were not identified on the original Holder Notice Report. California law requires that before unclaimed property can be transferred to the state, the SCO must send a notice to the owner to give them the opportunity to claim their property from the holder before it is transferred. Therefore, any new properties identified that were not included on the Holder Notice Report should be reported on a separate Supplemental Holder Notice Report and not included on the
- EFT Instructions Holders of unclaimed property must remit cash property by Electronic Funds Transfer (EFT) if the amount is \$20,000 or more. Holders are encouraged to register for ACH-Debit remittance with the SCO as this EFT method is free to holders. However, other methods of transfer are available. For more information on EFT, please refer to our reporting instructions available at www.sco.ca.gov. To register for EFT prior to the next remit period, please contact our EFT staff at updscoeft@sco.ca.gov or (916) 464-6220.
- Transfer of Securities The holder shall re-register the securities in the name of the State Controller, State of California. The securities shall be delivered to the SCO either via electronic transfer to an account with the SCO's contracted broker via Depository Trust Company (DTC) or by submitting a duplicate certificate. The SCO prefers the electronic transfer method over the submission of duplicate certificates. A hard copy of the SS-1 form (Rev. 05/08) is required when remitting securities. For more information regarding transferring securities, please contact our Reconcillation staff at UPDSecRecon@sco.ca.gov.
- Required Forms A hard copy of the UFS-1 form (Rev. 04/09) is required with every report. The SS-1 form (Rev. 05/08) is required for all reports that include securities that are being reported and remitted. In addition to the form(s) above, a copy of this notice is also required when submitting your Holder Remit Report. Instructions for the Holder Remit Reports are available on our Web site at www.sco.ca.gov. If you have questions regarding this reminder letter, please call the Unclaimed Property Reporting Unit at (916) 464-6284 or email ucpreporting@sco.ca.gov.

Sign and date this form and return it with your Holder Remit Report (if applicable) to expedite processing:

Printed Name	Title
Bignature	Date
Enem #14E (01/14)	

If the Property Owner Contacts You

- The Property Owner can contact you in one of the following four ways:
 - Telephone
 - Email
 - Fax
 - Written Notification

This contact stops the property from escheating

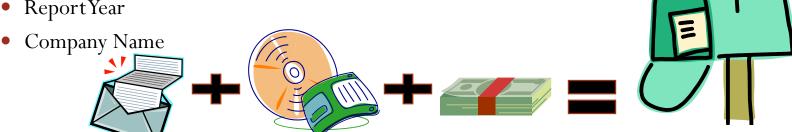


• Reimburse the Property Owner directly up until the Holder Remit Report is due

Submitting the Holder Remit Report

Second and final step of two-report process

- Holder Remit Report is <u>due between June 1-15</u> and includes:
 - UFS 1
 - Section F may be edited if property owner contacted Holder
 - Section A (Check #, EFT #)
 - CD/Disk in Standard NAUPA II Format
 - **Remittance**
 - FEIN
 - \$ Amount Reported
 - Report Year



Submitting the Holder Remit Report

- Property reported in the Holder <u>Notice</u> Report but subsequently claimed by the owner will be:
 - 1. Excluded from the Holder Remit Report
 - 2. Reported with the appropriate <u>pay or deletion type code</u> and show the remitted amount as zero
- List of property owners on the Holder Remit Report <u>must match</u> the list of property owners on the previously submitted Holder Notice Report
- No new properties can be listed/remitted; remittances of new properties will be returned to the holder. (*Instead submit a Supplemental Notice Report for new properties*)

Submitting the Holder Remit Report

Remitting Money

• \$20,000 or more

Holder shall submit payment of unclaimed cash in the amount of \$20,000 or more by electronic funds transfer, pursuant to CCP section 1532. Failure to make payment by electronic funds transfer when required will result in the assessment of a 2% penalty

- Holders may remit funds by Automated Clearinghouse (ACH) Debit, ACH Credit, Fed wire, or International Funds Transfer
- Amounts under \$20,000
 - Holders may remit funds by EFT or check

Other Report Types

- Negative (Nil) Report Holders that neither hold nor owe unclaimed property are not required to submit a report, although it is recommended that they do so by completing and filing the UFS-1 form only. The SCO may require the filing of such a report by sending notification to the holder
- **Supplemental Report** If the holder identifies accounts that were not included on the original Holder Notice Report, they must be reported on a separate Holder Notice Report and are *not* included on the Holder Remit Report

Avoid Interest, Fines, and Penalties

- Submit your Reports on Time
 - California has a 12% per annum interest charge on late reports and remittances (CCP §1577)
- Remit Property on Time
 - A fine can be assessed by the courts for willful failure to report/remit/deliver OR filing a fraudulent report
 - -\$100 per day (\$10,000 maximum) for failure to report (CCP §1576(a))
 - -\$5,000 \$50,000 for refusing to deliver property (CCP \$1576(b))
- A Civil Penalty of 2% of the payment amount can be administratively assessed when the remittance is over \$20,000 and was not remitted by EFT (CCP §1532(g))

Common Reporting Errors

- Reporting property too early
- Remitting property (\$) with the Holder Notice Report
- Incorrect file format
 - Not in NAUPA II Standard Electronic File Format
 - Paper report exceeds limit, ten or more properties
 - Failure to sign the UFS-1 with <u>each</u> report
- Not remaining up to date on:
 - Due dates
 - Report cycles
 - Dormancy period
 - Required forms (UFS-1, 14F (for remit), SS-1 (securities), EFT-1, etc.)



Common Reporting Errors

Electronic Filing

• After the report has been developed using the File/Record Format Requirements it must be burned to a CD or floppy disk (one or more reports may be copied to a single file)

Common Reporting Errors

- Invalid property type codes
- Invalid Property Starting Transaction Date or Date of Last Contact (DLC)
- Invalid joint owners/relationship codes
- Lack of Social Security Number
- Not following State specific requirements



Common Remittance Errors

- Remittance not submitted with the Holder Remit Report
- Proof of securities remittance not included with the Holder Remit Report
- More than one check included with the Unclaimed Property Remit Report
- Remitting a check for unclaimed property amounts exceeding \$20,000 (payment of unclaimed cash in the amount of \$20,000 or greater shall be made by electronic funds transfer, CCP §1532.)

HOW FAR BACK DO I NEED TO REVIEW MY RECORDS?

California's audit protocol prescribes a look-back period of **ten years** that is based on administrative procedure.

If warranted, the look-back can go even further



WHAT IS THE "REPORT AS OF DATE"?

Pertains to June 30 or the holder's fiscal year-end; date for life insurance companies is December 31

Not the date the report was due, created or submitted



AFTER SENDING IN OUR HOLDER NOTICE REPORT, ALL PROPERTIES WERE RETURNED TO THEIR RIGHTFUL OWNERS. DO WE STILL NEED TO SUBMIT A REMIT REPORT?

Yes. A negative Holder Remit Report (UFS-1 form) should still be submitted

AFTER SENDING IN OUR NOTICE REPORT, SEVERAL PROPERTIES WERE RETUNRED TO THEIR RIGHTFUL OWNERS. DO WE STILL NEED TO SUBMIT A REMIT REPORT?

Yes. When completing the Holder Remit Report, remove or adjust all properties no longer escheatable

OUR FIRM JUST SUBMITTED OUR HOLDER NOTICE REPORT AND LEFT OFF FIVE PROPERTIES. IS IT OKAY TO ADD THESE PROPERTIES TO THE HOLDER REMIT REPORT WHEN WE FILE IN JUNE?

No, any new property that was not included on the original notice report must be reported on a supplemental holder notice report.

DOES CALIFORNIA OFFER A VOLUNTARY DISCLOSURE PROGRAM (VDA)?

No. There is no statutory authority in California for such a program.



CAN I REQUEST AN INTEREST WAIVER?

UPD does not have the statutory authority to waive the interest. All interest waiver requests have to be considered and decided by our SCO Legal Office.



WHEN DOES AN IRA ESCHEAT?

The dormancy period is three years, IRAs are reportable 3 years after:

- Date of mandatory distribution if the IRA/retirement plan has a mandatory distribution date or age;
- The owner reaches 70 and ½ years of age, if there is no mandatory distribution.

The bank cannot escheat the IRA if the owner has another active account.



Compliance & Outreach Resources

- Holder Handbook
- NAUPA Instructions
- EFT Guide
- Reporting Forms
- Newsletters
- Notice to Holders
- Free email subscription Holder Notices & quarterly newsletters



Reporting Resources List

Information for Holders:

SCO website:

Holder Handbook, EFT guidelines, NAUPA II instructions, reporting forms: www.sco.ca.gov/upd_form_rptg.html

Unclaimed Property Law: www.sco.ca.gov/upd_lawregs.html

Due Diligence Requirements, Dormancy Periods and Reporting Cycle tables: www.sco.ca.gov/upd_rptg.html

National Association of Unclaimed Property Administrators (NAUPA):

Link to free software: www.unclaimed.org/reporting/free-holder-reporting-software/

Contact Information

California State Controller's Office Unclaimed Property Division

10600 White Rock Road, Ste 141, Rancho Cordova, CA 95670

Holder Outreach Unit : (916) 464-6088

updholderoutreach@sco.ca.gov

Reporting Unit: (916) 464-6284

ucpreporting@sco.ca.gov

Questions regarding EFT Remittance: (916) 464-6220

updscoeft@sco.ca.gov

Visit our Web site: www.sco.ca.gov